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08/710,645	09/18/1996	MICHAEL R. LEVINE	LVN-08202/03	8009

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EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/710,645

Applicant(s)

LEVINE, MICHAEL R.

Examiner

Brown M. Reuben

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 3/13/2001 have been fully considered but they are not persuasive.

Applicant argues on page 2, second paragraph that "it is not the goal of Furrey to energize associated units..., presumably, if it is determined that VCR is not receiving the appropriate signal from the cable box, it is up to the user to turn the cable box on". Examiner respectfully disagrees with applicant's characterization of Furrey. Contrary with applicant's analysis of Furrey, it is disclosed that in one embodiment that the user turns on a cable box, by controlling an ON/OFF toggle switch on a remote control, col. 5, lines 9-17. Therefore the remote control disclosed above in Furrey, stores the Power ON/OFF code for at least one manufacturer. Thus the cable box is energized by use of the remote control unit.

As for applicant's assertion in the first paragraph of page 2, that "there must be something in the prior art that suggests the proposed modification, other than [impermissible] hindsight". Examiner points to Furrey, col. 2, lines 4-11, which discloses that the VCR PLUSH, standard remote control handunit is preprogrammed with codes for controlling the VCR's and cable control boxes of many manufacturers. Clearly storing control codes for a plurality of manufacturers in a remote control handunit, at least in a general sense may include energization

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codes, i.e. ON/OFF commands. Although the cited passage (col. 2, lines 8-11) in Furrey does not explicitly make this statement, without question, one of ordinary skill in the art at the time the invention was made would have wanted to use the remote control to turn ON/OFF associated cable box units.

Thus, even though Furrey does not specifically state that the *energization codes* for a variety of manufacturers may be stored in the remote control, in light of the above disclosure, it would have been obvious to modify Furrey, with the teachings of Amano to achieve such a result.

Moreover, in the second paragraph of applicant's response on page 2, it is asserted that Furrey does not teach initially determining whether an associated unit is turned ON or OFF. Examiner respectfully disagrees and points out that Furrey is explicitly concerned with such a determination, see col. 5, lines 5-50. Furrey discloses the benefit of the VCR knowing whether or not a connected cable box is turned ON or OFF, because if the box is ON when the energization code is sent, then the instant cable box will be turned OFF.

Thus applicant's assertion that the present invention is specifically intended... to initially determine whether an associated unit has been turned on or off," is consistent with the disclosure of Furrey, (col. 5, lines 15-50).

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furrey, (U.S. Pat # 6,049,653), in view of Amano, (U.S. Pat # 4,999,622).

Considering claims 1, 11 & 16, the claimed TV module adapted for use in conjunction with a remotely controllable associated unit, comprising a remote control signal transmitter adapted to transmit signals representative of control codes to associated units is met by the disclosure of Furrey, (col. 5, lines 41-44; col. 6, lines 38-40) which teaches a VCR transmitting commands for controlling a cable box. The claimed means adapted to analyze the operation of the associated unit in response to control codes is met by the disclosure of Furrey, which teaches that the VCR checks to see whether the receiving unit has executed the commands which have been transmitted, col. 5, lines 25-50.

As for claimed memory for storing remote-control codes including the energization or 'switch-on' codes for associated units *provided by a variety of manufacturers*, clearly Furrey

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includes memory for control codes for at least one manufacturer of an associated unit, however it is not specifically taught that energization codes are stored for a plurality of manufacturers.

Nevertheless, Amano discloses the benefits of memory storing control codes, i.e., energization codes for a plurality of manufacturers, (Table I; col. 1, lines 21-40; col. 3, lines 9-26; col. 5, lines 55-61 & col. 6, lines 40-43). Amano discloses, "it is desirable that a single remote commander be designed to be capable of remotely controlling a plurality of electronic devices", col. 1, lines 25-35. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Furrey with the feature disclosed in Amano of storing energization codes for a plurality of manufacturers, for the known advantage of a more flexible system which is enabled to control a wider range of associated units, thereby turning ON and OFF the particular units with a remote control. Even though Amano is specifically directed to storing control codes for TV's or VTR's, the reference is relied upon to teach storing codes for a plurality of manufacturers, therefore the combination of Furrey & Amano would at least suggest to one of ordinary skill in the art the store a plurality of control codes for manufactures of cable boxes.

The claimed electronic controller means operative to cause the remote-control signal transmitter to transmit test control signals to the associated unit and cause the analyzation means to determine whether the associated unit has been energized in response to the control codes, and to cause the control codes to be stored in memory is met by the combination of Furrey (col. 5, lines 25-50) & Amano. Furrey teaches that various control codes may be transmitted to an

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associated unit, wherein the associated unit is monitored to determine whether it has executed the transmitted control codes.

Furrey furthermore teaches that one of the operations of the associated unit that may be detected is whether the instant unit is 'On' or 'Off', however the reference does not explicitly teach that a plurality of energization codes for associated units may be stored in the remote control unit. Nevertheless, in Amano the 'Switch-On' or energization codes for manufacturers are indeed stored in memory of the transmitting unit and are used in order to determine the manufacturer of the associated unit, (col. 7, lines 1-35), which teaches that a 'Switch-On' pattern stored in ROM is compared with incoming waveforms in order to determine the manufacturer of an associated TV or VTR. Examiner is citing Amano for the fact that it was well known in the art at the time the invention was made to *store and utilize energization codes* in determining the manufacturer of an associated unit. Moreover, as pointed out above, Furrey discloses transmitting control codes to an associated unit and monitoring its operation as a result of the transmitted control codes.

Finally the step of causing the control codes determined to be related to the associated unit to be stored in memory reads on Amano, since once it is determined that the TV or VTR is turned on due to the control code, then the particular control code is stored in RAM of the remote control, (col. 5, lines 9-12; col. 6, lines 60-65; col. 7, lines 1-35).

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Considering claims 2 & 17, the claimed TV module reads on the VCR of Furrey, Fig. 1; col. 6, lines 38-41.

Considering claims 3 & 18, the claimed cable tuner associated unit reads on the cable box of Furrey, (Fig. 2a; Fig. 2b).

Considering claims 4 & 19, it would have been obvious for one of ordinary skill in the art at the time the invention was made to replace the cable box of Furrey with a satellite receiver, at least for the desirable benefit of providing the user with a wider range of TV signals.

Considering claims 5 & 20, in Amano the associated unit is disclosed either as a TV or VTR.

Considering claims 6, 9, 12 & 21, in Furrey the system detects whether transmitted control codes have been executed, and detects whether the associated unit is 'On' or 'Off'. In Amano the systems detects whether a particular switch-On code representing a particular manufacturer matches a signal waveform transmitted from the associated unit, col. 3, lines 40-50 & col. 7, lines 1-10.

Considering claims 7-8 & 13-14, Furrey discloses that the video signal from an associated unit may be monitored, and more specifically that a Valid TV sync may be detected in order to determine whether the associated unit has been turned on, col. 5, lines 1-50.



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Considering claims 10, 15 & 22, Official Notice is taken that at the time the invention was made, audio or acoustic sensors were well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made to use the well known technique of audio sensors, at least for the known advantage of an additional manner for detecting if an associated unit is turned on.

#### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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